

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 03RD DAY OF FEBRUARY, 2011

BEFORE

THE HON'BLE MR.JUSTICE B.S. PATIL

W.P.No.17103/2009 (GM-RES)

BETWEEN:

SRI K.MAHESH,
S/O SRI M.KANDASWAMY,
AGED ABOUT 54 YEARS,
R/A NO.63, MICHAEL PALYA,
1ST MAIN, 1ST CROSS,
NEW THIPPASANDRA POST,
BANGALORE

... PETITIONER

(BY PARTY-IN-PERSON)

AND:

1. LIFE INSURANCE CORPORATION OF INDIA,
BY ITS COMPETENT AUTHORITY,
M.G. ROAD BRANCH OFFICE,
10/A, CHANDRA KIRAN BUILDING,
3RD FLOOR, KASTURBA ROAD,
BANGALORE-01.
2. LIFE INSURANCE CORPORATION OF INDIA,
BY ITS EXECUTIVE DIRECTOR (NEW PROJECTS)/
CPIO, RTI DEPARTMENT, CENTRAL OFFICE,
4TH FLOOR. (EAST WING), "YOGAKSHEMA
JEEVAN BIMA MARG, P.O. BOX NO.19953,
MUMBAI.
3. SHRI.A.K.DASGUPTA,
MANAGING DIRECTOR/APPELLATE AUTHORITY
LIFE INSURANCE CORPORATION OF INDIA,
"YOGAKSHEMA" JEEVAN BIMA MARG,
P.O.BOX NO.19953,
MUMBAI-400 021.
4. THE CENTRAL INFORMATION COMMISSIONER,
CENTRAL INFORMATION COMMISSION,

2ND FLOOR 'B' WING,
AUGUST KRANTI BHAVAN,
BHIKAJI CAMA PLACE,
NEW DELHI-110 066.

5. THE MANAGER (CRM)/CPIO
LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE-II, P B NO.3829,
JEEVAN JODI, INDIRANGAR II STAGE,
BANGALORE.

... RESPONDENTS

(BY SRI RAJESH SHETTY, ADV. FOR R1 TO R3 & R5,
R4- SERVED & UNREPRESENTD)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondent No.2 to provide the petitioner with certified copies of the information sought by this petitioner as per his application under RTI Act, 2005 dated 13.6.2009 vide Annexure-A and etc.

This writ petition coming on for preliminary hearing-B group this day, the Court made the following:-

ORDER

1. Petitioner is aggrieved by the order passed by the Central Information Commission on 22.04.2009 vide Annexure-H thereby rejecting the request made by the petitioner for furnishing the information as required by him vide his request letter dated 13.01.2008 submitted to the Public Information Officer and the Managing Director of the Life Insurance Corporation of India, Central Office, Mumbai.



2. Though several contentions are urged by the petitioner in the writ petition and although the respondent-authorities have denied the assertion and allegations made in the writ petition, the essential grievance made by the petitioner boils down to the refusal to furnish all the information as sought by the petitioner. Petitioner had sought for information under 21 heads as mentioned in his application Annexure-A. As he was unsuccessful before the First and Second Appellate Authority in getting all the information, he moved the Central Information Commission. The Central Information Commission has conducted hearing on 06.04.2009 through video conferencing. Petitioner herein was present at the National Informatic Centre Studio at Bangalore. Respondents were also present at the National Informatic Centre, Mumbai. After considering the grievance of the petitioner and on the basis of the submission made by both the parties, the Central Information Commission has passed the impugned order.

3. A perusal of the order passed by the Central Information Commission discloses that the grievance made by the petitioner has been addressed substantially. However, as regards furnishing of information both in English and Hindi version, the Central Information Commission has opined that since the



information was available only in bilingual version of English and Hindi, the said information has been passed on hence, no exception could be taken for the same. Though the party-in-person takes an exception to this action of the authorities in furnishing the information in both the languages i.e. English and Hindi, I find that the Central Information Commission has rightly accepted the contention of the respondents that as the information itself was in bilingual language both in English and Hindi, the Hindi version could not have been severed from English version and hence the same had been furnished in the said format.

4. Insofar as the grievance made by the petitioner regarding non-furnishing of the certified copy of the document which has 309 pages, the Central Information Commission has directed the respondents to furnish the certified copy, but has added a condition that the petitioner herein shall pay the costs for furnishing the said certified copy. The petitioner is right in contending that he is not required to bear the costs for furnishing the certified copy. He has already paid the requisite charges to the authorities for furnishing the certified copy, but the authorities have failed to furnish the certified copies.



Hence, to this extent, petitioner is justified in making his grievance.

5. Insofar as the information sought in Sl.Nos.6 to 11, 12, 14 & 15 of the representation - Annexure-A, the Central Information Commission has found that this information, as was asserted by the respondents, related to 9000 to 10000 agents which was not centrally maintained and was massive and therefore could not be disclosed.

6. Learned counsel for the respondents submits that the information pertaining to 9000 to 10000 agents is not centrally maintained and therefore the same cannot be furnished. I do not find any reason to disagree with the findings recorded by the Central Information Commission in this regard as the Commission has rightly accepted the version of the respondents.

7. Insofar as the grievance made by the petitioner about the fate of his representations made periodically and the order passed by the Central Information Commission in only permitting the petitioner to peruse the records relating to the representations given by him, it has to be stated that mere permission to peruse the copies of the records which the



petitioner has sought will not satisfy the requirement. As the petitioner has specifically sought for information as to what action was taken on the representations submitted by him as detailed at Sl.Nos.21(a) to 21(n) of his application, petitioner has to be furnished information regarding the actual action taken on the said representations and if no action is taken, the same has to be brought to the notice of the petitioner. There is, therefore, justification in the grievance made by the petitioner in this regard. To this extent, I am inclined to hold that the Central Information Commission was not right and justified in merely asking the respondents to permit the petitioner to peruse the records. Respondents are therefore directed to furnish the information within 60 days from today as to the action taken on the representations. In all other respects, I do not find any illegality or error apparent on the face of the record in the order passed by the Central Information Commission on 22.04.2009. Therefore, this writ petition is disposed of in the following terms:

- i) Respondents shall furnish to the petitioner, if not already furnished, the certified copy of the document consisting of 309 pages without collecting any fees.
- ii) They shall also furnish the information regarding the action taken on the representations submitted by the



petitioner as detailed in his representation – Annexure-A
at Sl.Nos.21(a) to 21(n) within a period of 60 days from
today. No costs.

Sd/-
JUDGE

PKS